

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAN 14 2020

JTH Tax, Inc. d/b/a Liberty Tax Service and
Siempretax+ LLC,

Plaintiffs,

—v—

Pawanmeet Sawhney,

Defendant.

19-cv-4035 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 5, 2019, Plaintiffs moved for default judgment. Dkt. No. 32. According to Individual Civil Rule 3L: “The plaintiff must serve the motion for default judgment and supporting paperwork on the party against whom default judgment is sought and file an affidavit of service on ECF within fourteen days of filing the motion for default judgment. The Court will not consider the motion for default judgment until such affidavit of service is filed.” As of the date of the Order, the Court is not in receipt of proof of service. Furthermore, Plaintiffs have failed to file proof of service of the Court’s November 26, 2019 Order, as directed. Dkt. No. 31. Accordingly, on or before January 28, 2020, Plaintiffs shall file proof of service of both the motion for default judgment and the Court’s November 26, 2019 Order. Failure to do so by this date may result in dismissal of their claim with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting “a district judge’s authority to dismiss actions based on a plaintiff’s failure to prosecute”).

SO ORDERED.

Dated: January 14, 2020
New York, New York



ALISON J. NATHAN
United States District Judge